

CHAP. 53. the respective proprietors of the same, each paying for the cutting and opening the said drain or ditch through his own land, except where it shall so happen that two or more of the said proprietors hold parts of the said branch through which the said ditch or drain shall be made, adjoining each other, part on one side thereof and part on the other, in which case each shall pay in proportion to the part he shall or may hold.

Directors authorised to open and keep in repair ditches or drains.

4. AND BE IT ENACTED, That the said directors, or any two of them, shall have full power and authority, at any time thereafter, to cut, open and complete, the said drain or ditch, and also from time to time to repair, cleanse and keep open and in good order, the said ditch or drain so to be opened and cut in virtue of this act, at the expense of the said proprietors, in the same proportion that the expenses of cutting and opening the said ditch or drain are to be paid; and for the purpose of cutting and opening the said ditch or drain in the first instance, and of repairing and cleansing the same when cut and opened, the said directors, or any two of them, are hereby authorised to apportion what they may conceive the expense thereof will amount to, and demand and receive such proportions respectively from the said proprietors, before or at any time after the commencement of the said work, or after the same is finished; *Provided always*, that inasmuch as it may be inconvenient for some of the proprietors through whose lands said ditch or drain shall pass, to satisfy and answer all the expenses of cutting and opening said ditch or drain at one time, the said directors, or any two of them, may make an estimate of the expense of cutting the said ditch or drain through that part of the branch in which the said ditch or drain shall pass, and apportion the same as above directed, and that the same be paid by the proprietors respectively of that particular part of the said branch, unto the said directors, at three annual payments, one third of which to be discharged on or before the first Monday of April, eighteen hundred and seven, one third on or before the first Monday of April, eighteen hundred and eight, and the remaining third on or before the first Monday of April, eighteen hundred and nine.

Proviso.

Penalty on proprietors obstructing ditch or suffering cattle to go into the same.

5. AND BE IT ENACTED, That the proprietors of said branch, or any of them, shall not, at any time after the said ditch or drain is cut and opened, permit or suffer any of his, her or their horses, cattle or hogs, to go into the same, or to make water holes in the said ditch or drain, or put fences or other obstructions across or in the same; and the said directors, or any two of them, in the case of horses, hogs or cattle, of the said proprietors, or any of them, being permitted to go into the ditch or drain aforesaid, may take and impound them, as for damage-feasant, in which case the usual proceeding in such distresses shall be observed; and if any of the said proprietors shall at any time make watering holes in the said ditch or drain, or run fences across, or otherwise obstruct the same, the said directors, or a majority of them, may remove the nuisance, and fine the offender a sum not exceeding two dollars for any one offence, to be recovered as hereafter directed, and applied to defray the general expenses of cleansing the said ditch or drain.

Proprietors neglecting to pay their proportion of money, the same may be collected by distress.

6. AND BE IT ENACTED, That in case the said proprietors, or any of them, shall not pay to the said directors his, her or their respective proportion of any sum of money fixed and apportioned